

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

CLIFTON JACKSON,	§	
	§	
Plaintiff,	§	
	§	
vs.	§	CIVIL ACTION NO. H-08-2545
	§	
BOISE LOCOMOTIVE,	§	
	§	
Defendant.	§	

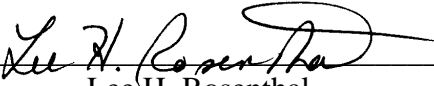
ORDER

In this employment discrimination suit, summary judgment and final judgment for the defendant have been entered, (Docket Entry Nos. 45, 46); this court has granted the plaintiff's motion for leave to appeal in forma pauperis, (Docket Entry No. 51); and the plaintiff has filed a notice of appeal, (Docket Entry No. 52). The plaintiff has now filed a motion asking this court to provide a copy of the transcript of the hearing held on July 24, 2009, without any expense to the plaintiff. (Docket Entry No. 56).

In civil cases—other than habeas corpus and prisoner civil rights—“[f]ees for transcripts furnished . . . to persons permitted to appeal in forma pauperis shall also be paid by the United States . . . if the trial judge or a circuit judge certifies that the appeal is not frivolous (but presents a substantial question).” 28 U.S.C. § 753(f); *see also In re Barnes*, 279 F.App’x 318, 319 (5th Cir. 2008) (per curiam) (unpublished) (“Under 28 U.S.C. [§] 753(f), fees for transcripts in civil cases shall be paid by the United States to persons permitted to appeal in forma pauperis if the trial judge certifies that the appeal is not frivolous.”). This court has already permitted the plaintiff to appeal in forma pauperis, satisfying the first of the statute’s two requirements. The second requirement is

that this court certify the plaintiff's appeal to be "not frivolous." The plaintiff has not provided sufficient information about his grounds for appeal to enable this court to certify that the appeal is not frivolous. The motion for a transcript without charge is denied, without prejudice to the plaintiff raising the motion on a fuller record before the Court of Appeals.

SIGNED on January 12, 2010, at Houston, Texas.



Lee H. Rosenthal
United States District Judge